

CHAPTER NO. 761

SENATE BILL NO. 2958

**By Cooper, Fowler, Beavers, Black, Bowers, Bryson, Burchett, Burks,
Cohen, Crowe, Crutchfield, Finney, Harper, Haynes, Henry, Herron,
Jackson, Ketron, Kilby, Kurita, Kyle, McLeary, McNally, Miller, Norris, Curtis
S. Person, Jr., Ramsey, Southerland, Tracy, Williams, Woodson, Mr.
Speaker Wilder**

Substituted for: House Bill No. 3026

**By Maddox, Armstrong, Tindell, Ferguson, Rinks, Bunch, Eric Watson,
McKee, Hargett**

AN ACT to amend Tennessee Code Annotated, Title 33; Title 68, Chapter 11 and
Section 71-5-105, relative to ICF/MR beds.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF
TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-105(b), is
amended by designating the existing language as subdivision (b)(1) and adding
the following new subdivisions thereto:

(2) Beginning July 1, 2006, the total number of beds in ICF/MR
facilities shall increase by forty (40) beds per year for the next four (4)
years resulting in a maximum of eight hundred twenty-eight (828) beds by
July 1, 2009. Only providers that have been providing services to
persons with developmental disabilities under contract with the state for at
least five (5) years shall be eligible to apply for these new beds. These
new beds shall be filled by persons from the developmental centers.
Providers may refuse persons based on needs compatibility with the total
mix of persons in the facility.

(3) DMRS is to appoint a nine (9) person taskforce to review
oversight, utilization, and future need for ICF/MR services and make
recommendations to the general assembly and governor by June 30,
2007. Three (3) of the members of the taskforce shall be appointed by
DMRS from a list of persons provided by Tennessee Community
Organizations and three (3) of the members shall be appointed by DMRS
from a list of persons provided by ARC of Tennessee. The remaining
three (3) members shall be employees of DMRS or other state agencies.
DMRS shall designate one (1) of the members as the chairperson of the
taskforce.


SECTION 2. Tennessee Code Annotated, Section 33-1-309, is amended
by adding the following new subsection:

(e) Intermediate Care Facilities for persons with Mental Retardation (ICF/MR) shall comply with rules and operating guidelines made applicable to ICF/MR facilities by the DMRS. In order to monitor the care being received by persons in ICF/MR facilities, the DMRS shall have reasonable access to the facilities and the medical and other records of the persons occupying the beds.

SECTION 3. This act shall take effect July 1, 2006, the public welfare requiring it.

PASSED: May 11, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 25th day of May 2006


PHIL BREDESEN, GOVERNOR